HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16145 of 1998

Date: September 12, 2007

Between:

1. Mirza Osman Nawaz Baig
   and 347 others. …
Petitioner

And

1. Member Secretary,
   A.P.S.E. Board, Hyderabad
   and 4 others. ... Respondents

* * *

ORDER:

This writ petition is filed seeking a writ of *Mandamus* declaring action of the respondents in not considering the case of the petitioners under B.P.Ms. (P & G) No.36, dated 18.5.1997, as arbitrary, illegal, violative of Articles 14, 16, 18 and 21 of the Constitution of India and consequently to direct the respondents to interview and absorb the petitioners in suitable posts as per B.P.Ms. (P & G) No.36, dated 18.5.1997.

2. According to the petitioners, they are all unemployed educated contract labour working in the respondent Electricity Board for the last several years. They are attending permanent nature of duties under various contractors. Though they are working for the last several years, the respondent Board did not absorb them on permanent basis in the existing vacancies. The petitioners are fully qualified and eligible for being appointed as

Linemen etc. While that being so, the respondent Board issued B.P.Ms.No.36, dated 18.5.1997, for providing jobs to the contract labour and pursuant to the above B.P.Ms.No.36, the respondents had conducted interview on 23.6.1998. According to the petitioners, their names were not published in the newspapers for the purpose of calling for interviews. Therefore, the action of the respondents in not calling them for interview is arbitrary and illegal.

3. A detailed counter-affidavit has been filed denying the allegations made by the petitioners. It is asserted in the counter filed by the respondents that an agreement was reached between A.P. State Electricity Board and the recognized unions to fill up 50% vacancies in initial recruitment cadres by ex-casual labourers who have obtained court orders, village electrical workers and contract labourers working in other than 33 abolished categories and accordingly orders were issued in B.P. (P & G-Per) Ms.No.271, dated 31.12.1997, for filling up of 50% vacancies of initial cadres i.e., Junior Lineman/Junior Plant Attendant/Junior Assistant/LDC/Revenue Cashier/ Typist/Sub-Engineer existing as on 18.5.1997. The eligibility criteria for appointment should be on the rolls as on 18.5.1997 and produce the certificate from the contractor. Merely because the applicants possess requisite qualifications will not automatically entitle them for absorption in A.P.S.E. Board. The Departmental Recruitment Committee has scrutinized the applications as per the guidelines issued in the matter and interviews were conducted for eligible candidates. The applicants, who did not possess requisite qualifications, or over aged, or not produced certificates from the licensed contractors, or who were not on rolls as on 18.5.1997, were rejected. The applicants who could not pass the test conducted by the Departmental Recruitment Committee were also rejected.

4. Therefore, in view of the above averments made in the counter the case of the petitioners was rejected on one ground or the other.

5. Learned counsel for the respondents submits that even after filing of the writ petitions various schemes were evolved and contract labour were absorbed, therefore, the cause in the writ petition has become infructuous.

6. Accordingly, the writ petition is dismissed as infructuous. However, any selections made of the petitioners in subsequent recruitments shall not be disturbed. No costs.

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(C.V.RAMULU, J)

Date: September 12, 2007.
BSB